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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/986,087

11/07/2001

Osamu Kawamae

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24956

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10/31/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

HOANG, THAI D

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

58

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/986,087		KAWAMAE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Thai D. Hoang		2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 08/24/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 22 and 24-31 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/24/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-22 and 24-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al, US PAT No. 5,881,037, hereinafter referred to as Tanaka.

Regarding claims 21, 26 and 30-31, Tanaka discloses a method and apparatus for recording and reproducing, comprising:

an input section 801 receives input information data, which sequentially writes the input information data frame by frame to the memory 802, figs. 8 (element 801), fig. 9 (step 901), col. 17, lines 45-47, col. 18, line 66-col. 19, line 1 (preparing data frames of said information data into which the additional information data are to be embedded);

a synchronization code inserter 806 inserts synchronization codes S1-S4 multiple times into each information data frame repetitively and separately at different positions in the frame, see fig. 1 (embedding said additional information data plural times into said data frame, as an electronic watermark, repetitively and separately at different positions in said data frame);

the information data frame included synchronization codes is output at the synchronization code inserter 806 and written on an optical disk or other medium, see fig. 8, col. 18, lines 10-14 (transmitting said data frame of the information data

embedded at different positions in said data frame with the repetitive additional information data.)

Regarding claims 22 and 28, Tanaka discloses an optical disk reproduction apparatus 1100 at a receiver side (fig. 11) comprising: a sync code detector 1101 receives data frames transmitted from the optical disk or other medium, wherein the received data frames comprise multiple synchronization codes S1-S4 at different positions in the frames (receiving the transmitted data frames of information data embedded at different positions in said data frame with the repetitive additional information data therein); the sync code detector 1101 detects the repetitively and separately synchronization codes at different positions in the frame as shown in fig. 1. The sync code detector 1101 identifies each synchronization code identifier and outputs a synchronization code detection signal to type Information reader 1102, see fig. 1, 11, col. 22, lines 1-37 (detecting the repetitive additional information data embedded at different positions in said data frame from said transmitted data frames of information data, determining said additional information data based on repetitiveness of the additional information data detected.)

Regarding claims 24-25, since Tanaka's method is applied for recording data on an optical disk or other medium (see figs. 8 and 11, col. 18, lines 10-14), therefore, the data could be video data, audio data or text data.

Regarding claim 27, in figure 8, Tanaka discloses an optical disk recording apparatus 800, wherein the data frame included sync codes is outputted and written on the optical disk or other recording medium, fig. 8, col. 18, lines 10-14 (means for

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recording the information data embedded at different positions in said data frame with the repetitive and separately additional information data onto an optical information recording medium.)

Regarding claim 29, in fig. 11, Tanaka discloses an optical disk reproduction apparatus 1100 including the sync code detector 1101 for reproducing the repetitively and separately synchronization codes at different positions in the frame as shown in fig. 1 received from the optical disk (means for reproducing the information data embedded at different positions in said data frame with the repetitive and separately additional information data onto an optical information recording medium.)

#### ***Allowable Subject Matter***

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 21-31 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

Thai Hoang



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